



US Army Corps
of Engineers.

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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RESPONSE REQUIRED BY: June 18, 2001

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PERMIT MANAGER: John Knudsen Phone: 415-977-8437/E-mail: jknudsen@spd.usace.army.mil

1. **INTRODUCTION:** Albertsons Inc., 250 Parkcenter Boulevard, Boise, Idaho, 83726, [Contact: Mr. Charles Patterson, 925-938-5263], has applied for a Department of the Army permit to place fill into 1.49 acres of jurisdictional waters of the United States (seasonal wetlands) for the purpose of constructing a supermarket and parking lot. The proposed supermarket would be constructed west of the intersection of Piner and Marlow Roads in the city of Santa Rosa, Sonoma County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROPOSED PROJECT:

a. **Project Site** – The proposed Albertsons project site is located in northwestern Santa Rosa, Sonoma County, California at Assessor Parcel Numbers 036-011-046 and 036-011-053 (Figures 1 and 2). The site is located on the southern side of Piner Road approximately 600 feet west of the intersection of Piner and Marlow Roads (Figure 2). Urban residential development exists to the north and east. Residential housing and a condominium complex are being constructed immediately to the south. Lands to the west currently remain largely rural residential. A Walgreens drugstore is located immediately to the east.

The 5.6-acre site is generally flat with a gradual slope to the southwest. Plant species found are predominantly non-native grasses. Trees and other woody vegetation are not present. Historically, the site has been used for agricultural activities and, most recently, it has been used as horse grazing pastureland. Seasonal wetlands are found primarily on the western half of the site. For fire prevention purposes, the site is disced annually.

b. **Project Description** – The applicant proposes to construct a 56,400 square foot supermarket, including associated automobile parking lots, unloading docks, and landscaping features on the site (Figure 3). The entire 5.6-acre property would be fully developed. Storm water runoff would be directed to underground drains paralleling Piner and Marlow Roads.

c. **Purpose and Need** – The applicant states that the purpose of the project is to construct and operate a modern supermarket where increasing urban development in northwestern Santa Rosa, California has created a need and demand for such a business.

d. **Mitigation** – The applicant proposes to mitigate for the loss of 1.49 acres of seasonal wetland and endangered plant habitat by purchasing construction/restoration and preservation credits at the Hale Mitigation and Wright Preservation Banks in Sonoma County, California. The applicant would purchase mitigation credits at a minimum ratio of at least 1 to 1 for the wetland habitat to be filled.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant shall provide the Corps with evidence that a valid request for State water quality certification has been submitted to the North Coast Regional Water Quality Control Board (RWQCB). No Corps permit will be granted until the applicant obtains the required certification.

Those parties concerned with any water quality issues associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, at 5550

Skylane Boulevard, Suite A, Santa Rosa, California, 95403, by the close of the comment period of this public notice.

4. PRELIMINARY ENVIRONMENTAL ASSESSMENT: The Corps has assessed the environmental impacts of the action proposed in subject permit application in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to the Council on Environmental Quality's Regulations 40 CFR 1500-1508, and Corps of Engineers Regulations, 33 CFR 230 and 325. Unless otherwise stated, the Preliminary Environmental Assessment presented herein describes only the impacts (direct, indirect and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. Supporting data used in the preparation of this Preliminary Environmental Assessment are on file at the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California, 94105.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) Physical/Chemical Characteristics And Anticipated Changes

Substrate: Jurisdictional waters of the United States totaling 1.49 acres (seasonal wetlands) on the project site would be permanently filled to construct the project. The waters on the site to be filled have an average depth of 0.5 feet. Approximately 1,000 cubic yards of clean material would be imported to fill these waters. All imported materials would be compacted as necessary to support structures and paved surfaces.

Aquifer/Ground Water Recharge: The clay soils and subsurface hardpan on the project site are relatively impermeable to water and serve to hydrologically isolate the surface soils from the regional groundwater table. Therefore, construction of the project would have minimal effect on ground water recharge.

Drainage Patterns: Prior to regional development, the drainage pattern on the project

site and adjacent lands was generally from the north to the south with precipitation runoff being conducted by a system of swales to Piner Creek to the south. Today, drainage patterns on the site have been interrupted and modified by roadways, roadside ditches, buried storm drains, and localized fill and construction on neighboring properties. The effect of the project on regional drainage patterns is considered to be long term, adverse, and minor.

Flood Control Function of Impacted Wetlands: The seasonal wetlands on the project site are small and shallow. The wetlands have no significant storm water storage capacity or flood desynchronization function. The effect of the project on flood control function is considered to be long term, adverse, and minor.

Water Supply (Natural): No effect.

Water Quality: No effect.

(2) Biological Characteristics And Anticipated Changes

Wetlands (Special Aquatic Site):

Seasonal Wetlands (Special Aquatic Site): Seasonal wetlands on the project site total 1.49 acres and consist of several relatively deep pools where water ponds during the precipitation season and shallower interconnecting swale features (Figure 4). Creeks, drainages, or water impoundments do not occur on the site.

Some of the dominant plant species found in the deeper depressions and pools on the site include non-native grasses such as Italian ryegrass (*Lolium multiflorum*) and common semaphore grass (*Pleuropogon californicus*). Subdominant wetland plants found in the pools include, among others, dwarf downingia (*Downingia pusillus*), popcorn flower (*Plagiobothrys* sp), goldfields (*Lasthenia burkei* and *Lasthenia glaberrima*), and coyote thistle (*Eryngium aristulatum*).

Plant species dominant in the shallower wetland swale features include non-native grass species such as Italian ryegrass (*Lolium multiflorum*), California oatgrass (*Danthonia californica*), and common

semaphore grass (*Pleuropogon californicus*). Subdominant plants in the swales include curly dock (*Rumex crispus*), pennyroyal (*Mentha pulegium*), prickly ox tongue (*Picris echioides*), and hyssop loosestrife (*Lythrum hyssopifolia*).

The applicant states that the seasonal wetlands to be filled have lost most of their historic functions and values because of the high degree of past and ongoing disturbance occurring both on and around the site. It is the opinion of the applicant that the best environmental option available would be to provide compensatory mitigation in the form of both "created" wetland replacement (purchase of credits at a regional bank) and the preservation of other existing habitat for Burke's goldfields (bank credits or land purchase/dedication).

Special Status Animal and Plant Species:

Animal Species: The applicant states that surveys for invertebrate or amphibian animal species have not been conducted on the project site. Listed invertebrate species are not known to occur on the Santa Rosa Plain and the California tiger salamander is not known to occur north of California State Highway 12.

Plant Species: Colonies of Burke's goldfields (*Lasthenia burkei*) are known to be present on the project site (Figure 4). The locations and number of plants on the site have been documented in plant surveys conducted in the years of 1991, 1993, 1994, 1995, and 1997. Approximately 0.5 acre of wetland habitat on the site supports colonies of goldfields. The number of plants in each colony fluctuates yearly, as would be expected with an annual plant species. Populations have varied from approximately 5,000 to 20,000 plants in the years when surveys were conducted.

Because of the historical and presumed continuing presence of Burke's goldfields on the project site, the Corps of Engineers will consult with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act concerning possible adverse impacts that project construction would have on the endangered plant species.

Habitat for Fish, Other Aquatic Organisms and Wildlife: The seasonal wetlands on the project site are dry during the summer season and are not inundated for periods long enough during the wet season to support aquatic vertebrate organisms. It is probable, however, that the seasonal wetlands support invertebrate organisms.

b. IMPACTS ON RESOURCES OUTSIDE THE ACQUATIC ECOSYSTEM

(1) Physical Characteristics And Anticipated Changes

Air Quality: Project construction will have minor, short-term impacts on air quality in the vicinity of the project site. Based on the relative minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions will not exceed the *de minimus* threshold levels of 40 CFR 93.153. Therefore, the proposed project will conform to the State Air Quality Implementation Plan (SIP) for the State of California.

Noise Conditions: Short-term, adverse impacts to ambient noise levels can be expected during project construction due to equipment operation. Long-term adverse impacts to ambient noise levels can be expected from increased traffic on roadways in and near the supermarket.

(2) Socioeconomic Characteristics And Anticipated Changes

Aesthetic Quality: The immediate region where construction of the supermarket would occur consists of housing subdivisions to the north and east. Additional residential housing is being constructed immediately to the south. A drugstore is located immediately to the east. Construction of the project would not significantly alter the regional viewscape. The impact of project construction on regional aesthetic quality would be long term, adverse, and minor.

Agricultural Activity: Construction of the supermarket will preclude future agricultural

activities on the site.

Economics: The site owners will benefit financially from selling the land to construct the supermarket. Project development would also generate monetary benefits for Albertsons, Inc., in the form of business profits. The City of Santa Rosa and Sonoma County would benefit from increased tax and permit revenues.

Employment: Construction of the supermarket would provide employment opportunities for the regional building industry during the construction phase of the project. Post-construction, the project would benefit the local community with the creation of new employment opportunities.

Energy: The project would not impact regional energy production. Construction of the supermarket will, however, increase regional energy consumption.

Mineral Resources: No effect.

Population/Growth Inducement: The supermarket would not result in unplanned population growth in the region. Regional growth considerations have been incorporated in the City of Santa Rosa General Plan.

Public Health and Safety Issues: No public health or safety issues have been associated with construction of the project. The effect of the project on public safety issues is considered long term, adverse, and minor.

Recreational Fishing: No effect.

Recreational Opportunities: No effect.

Traffic/Transportation Issues: Additional traffic on major roadways in the immediate vicinity would result from construction of the project. The effect of the project on traffic/transportation issues is considered long term, adverse, and moderate.

(3) Historic-Cultural Characteristics and Anticipated Changes

Historic-Cultural Characteristics: No historic or cultural resources are known to occur on the site. Standard construction-related measures to preserve cultural resources would be followed if buried materials are exposed during construction. All contractors and subcontractors will be informed in writing of the potential for unearthing culturally significant resources. If artifacts are found during construction, work in that area will cease until an archaeologist can investigate the artifacts and assess their archeological value.

If cultural resources listed, or eligible for listing, on the National Register of Historic Places are identified during construction activities, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

Filling seasonal wetlands to construct the supermarket would indirectly impact wetlands that exist on properties immediately to the south. Hydrologic connections exist between the wetlands to be filled and the off-site wetlands. It is anticipated, however, that residential housing will be constructed on these lands in the near future, thereby filling the 0.5 acre of seasonal wetlands that occur on these properties.

d. SUMMARY OF CUMULATIVE IMPACTS

The loss of seasonal wetlands to construct the supermarket would continue the pattern of wetland loss in the Santa Rosa region. Several construction projects have recently been authorized which will result in regional wetland loss. The wetland fill required to construct the supermarket and associated parking facilities would, therefore, contribute to the long term adverse cumulative impacts to the aquatic ecosystem in Sonoma County, California.

e. CONCLUSION AND RECOMMENDATIONS

Based on an analysis of the above identified

impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has, however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

5. EVALUATION OF ALTERNATIVES: Evaluation of the project impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water dependent. The applicant, however, has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The applicant states that there are no practicable alternatives for his project. The Analysis of Alternatives is available for review in our office.

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use. Evaluation of the probable impacts the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonable foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this proposed project. Any comments received by the Corps will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be addressed to Regulatory Branch, Attn: John Knudsen. It is Corps policy to forward any such comments which may include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting John Knudsen of our office at telephone number 415-977-8437, or by email at jknudsen@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.